IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 16561 of 2006(V)

ID.9/2001 of LABOUR COURT, KANNUR

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PETITIONER:

KERALA DINESH BEEDI CHERUVATHOOR
BEEDI WORKERS INDUSTRIAL SERVICE TYPE CO-OPERATIVE
SOCIETY LTD.NO. S.IND.(C) 59, P.O.CHERUVATHOOR,
KASARAGOD DISTRICT, (CHERUVATHOOR BEEDI THOZHILALI
(VYAVASAYA) SAHAKARANA SANGHAM), REPRESENTED BY
ITS SECRETARY.

BY ADV. SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA

RESPONDENTS:

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1. KERALA CO-OPERATIVE EMPLOYEES' FRONT,
HOSDURG TALUK COMMITTEE, C/O.NEELESWARAM
SERVICE CO-OPERATIVE BANK, P.O.NEELESWARAM,
KASARAGOD DISTRICT, REPRESENTED BY ITS
SECRETARY.

2. THE LABOUR COURT, KANNUR.

ADDL. R3: V. BALAKRISHNAN, S/O. P.V. KANNAN,
THIRUNELLI KOVVAL,
MANIYATTU P.O.,
THRIKKARIPUR-671 310 (IMPLEADED AS PER ORDER
DATED 27.7.06 IN I.A.10407/06.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)
SR. GOVERNMENT PLEADER T.T. MAHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: COPY OF PAGE NOS.1 TO 3 AND PAGE NOS.24 AND 25 OF THE CERTIFIED STANDING ORDERS OF KERALA DINESH BEEDI WORKERS CENTRAL CO-OPERATIVE SOCIETY LTD.

EXT.P2: COPY OF REPORT TO THE PRESIDENT OF THE PETITIONER SOCIETY ON 17.2.1998.

EXT.P3: TRUE COPY OF THE SUSPENSION ORDER CUM CHARGE SHEET DATED 17.2.1998 ISSUED BY THE PETITIONER TO SRI.V. BALAKRISHNAN.

EXT.P4: COPY OF THE ENQUIRY REPORT DATED 11.6.1998 SUBMITTED BY SRI. K. SURENDRAN, ENQUIRY OFFICER.

EXT.P5: COPY OF THE CLAIM STATEMENT DATED 18.12.2001 FILED BY THE 1ST RESPONDENT IN I.D.NO.9 OF 2001.

EXT.P6: COPY OF THE COUNTER STATEMENT DATED 8.1.2002 FILED BY THE PETITIONER IN I.D.NO.9 OF 2001.

EXT.P7: COPY OF THE PETITION DATED 25.7.2005 FILED BY THE COUNSEL FOR THE PETITIONER AS I.A.NO.43 OF 2005 IN I.D.NO.9 OF 2001 BEFORE THE 2ND RESPONDENT.

EXT.P8: COPY OF THE ORDER DATED 25.8.2005 ON PRELIMINARY POINT PASSED BY THE 2ND RESPONDENT IN I.D.NO.9 OF 2001.

EXT.P9: COPY OF THE LETTER AWARD DATED 1.9.2005 PASSED BY THE 2ND RESPONDENT.

EXT.P10: COPY OF LETTER DATED 8.6.2006 ADDRESSSED BY SRI. P.APPUKUTTAN, ADVOCATE, HOSDURG TO SRI. SHASHI D. NAIR ADVOCATE, KANNUR.

EXT.P11: COPY OF DEPOSITION OF WITNESSES Mws1 TO 16 AND WW1 OF THE DOMESTIC ENQUIRY CONDUCTED INTO THE CHARGES LEVELLED AGAINSTSRI. V. BALAKRISHNAN.

EXT.P12: COPY OF THE AUDIT REPORT DTED 16.8.2000 OF THE ASST. REGISTRAR OF CO-OPERATIVE SOCIEITIES (AUDIT) HOSDURG IN RESPECT OF THE PETITIONER FOR THE YEAR 1997-98.

EXT.P13: COPY OF THE LETTER DTED 28.6.2000 OF THE JUNIOR CONCURRENT AUDITOR, HOSDURG TO THE JOINT REGISTRAR OF CO-OPERATIVE SOCIEITIES (AUDIT) KASARAGOD.

EXT.P14: COPY OF LEAVE APPLCIATION OF P. SYAMALA APPLYING FOR LEAVE ON 16.2.1998, 9.2.1998, 10.2.1998 AND 11.2.1998.

EXT.P15: COPY OF THE LEAVE APPLICATION OF P.P. ROHINI APPLYING FOR LEAVE ON MEDICAL GROUND FOR THE DAYS 12.2.1998 AND 13.2.1998.

EXT.P16: COPY OF LEAVE APPLICATION OF T. SUSEELA APPLYING FOR LEAVE FOR THE PERIOD 10.1.1998 TO 14.1.1998 WITH THE ENDORSEMENT OF SRI. V. BALAKRISHNAN.

EXT.P17: COPY OF LEAVE APPLICATIN OF T.S SUSEELA APPLYING FOR LEAVE FOR THE PERIOD 15.1.1998 TO 17.2.1998.

W.P.(C)NO.16561/06

ANNEXURE-A: COPY OF THE LETTER DATED 3.8.2007 SUBMITTED BY RESPONDENTS 1 AND 3 TO THE PETITIONER.

ANENXURE-B: COPY OF THE ORDER DATED 30.8.2007 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.

ANNEXURE-C: COPY OF THE JOINING REPORT SIGNED BY THE 3RD RESPONDENT AND SUBMITTED TO THE PETITIONER.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.16561 OF 2006

Dated this the 25th day of September, 2007

JUDGMENT

The petitioner in the writ petition has produced Annexure-A settlement with respondents 1 and 3 and seeks disposal of the writ petition in terms of the said settlement.

2. I have heard the learned counsel for respondents 1 and 3 also.

In view of the Annexure-A settlement I dispose of this writ petition holding that instead of Ext.P9 award the parties would be governed by Annexure-A settlement in respect of the service benefits of the 3rd respondent.

S. SIRI JAGAN, JUDGE

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